



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of: Tian *et al.*

Att'y Ref. No.: 010094.05

Appl'n No.: 10/826,445

Filed: Apr. 16, 2004

Group Art Unit: (as yet unknown)

Examiner: (as yet unknown)

Title: 11-O-METHYLGELDANAMYCIN  
COMPOUNDS

Mailing Address: Kosan Biosciences, Inc.  
3832 Bay Center Place  
Hayward, CA 94545

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement ("IDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

The cited information is listed in the accompanying Form PTO-1449 (3 sheets total), submitted in duplicate. Each item of information is identified there by a unique cite number (A1, A2, ..., B1, B2, ..., C1, C2, ..., etc.). The Examiner is requested to return an initialed and signed copy of the form, in accordance with MPEP §609.

**CERTIFICATE OF MAILING UNDER 37 CFR §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of person signing certificate: Nancy Impey

Signature: Nancy Impey Date: May 11, 2004

This application was filed after June 30, 2003. In accordance with the PTO announcement in 1276 OG 255 (Aug. 5, 2003), copies of US patents and published applications are not being furnished with this application.

A number of the items of information were cited or discussed in the application, at the locations indicated in the following table:

<b>Item of Information (Cite No.)</b>	<b>Application (paragraph no(s).)</b>
A2	[0005]
A4	[0008]
A5	[0007]
A6	[0008]
A7	[0051]
A8	[0051]
A9	[0051]
A10	[0005], [0008], [0042]
A11	[0008]
A13	[0005]
B2	[0008]
B4	[0008]
B5	[0005], [0008]
B6	[0008]
B7	[0008]

Item of Information (Cite No.)	Application (paragraph no(s).)
B8	[0008]
B9	[0008]
C2	[0007]
C4	[0007]
C6	[0005], [0008]
C7	[0005], [0008]
C8	[0005]
C9	[0071]

For foreign patents in a foreign language for which no translation into English is available (items B9 and B10), English-language abstracts are provided (items C10 and C11, respectively).

The Examiner is advised pursuant to MPEP §2001.06(b) that the instant application is part of a set of four co-pending, commonly assigned applications claiming a common priority back to US Provisional Application No. 60/519,479, filed Nov. 12, 2003:

- Application No. 10/825,788, filed Apr. 16, 2004 (Attorney's docket number 010094.01).
- Application No. 10/826,446, filed Apr. 16, 2004 (Attorney's docket number 010094.03).
- Application No. 10/826,447, filed Apr. 16, 2004 (Attorney's docket number 010094.04).


- Application No. 10/826,445, filed Apr. 16, 2004 (Attorney's docket number 010094.05).

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

This IDS is submitted under the provisions of 37 CFR §1.97(b)(1), that is, within three months of the filing date of the application. Therefore, it is believed that no fee, certification or other formality is required. However, in the event a fee is required, the Commissioner is authorized to charge such fee (including but not limited to any fee(s) that might be required under 37 C.F.R. §§1.16, 1.17, or 1.18) against Deposit Account No. 50-2544.

Consideration of the cited information in the examination of this application is respectfully requested.

Respectfully submitted,

<u>May 11, 2004</u> Date	 Yuan Chao Reg. No. 32,118 Telephone (510) 751-5156 Facsimile (510) 751-5143
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Sheet 1 of 3**INFORMATION DISCLOSURE STATEMENT  
IN AN APPLICATION**

(Use several sheets if necessary)

Docket No. (optional)  
010094.05Application Number:  
10/826,445Applicant:  
Tian *et al.*Filing Date:  
Apr. 16, 2004Group Art Unit:  
(as yet unknown)**U.S. PATENT DOCUMENTS**

Examiner Initial	Cite No. <sup>1</sup>	Document Number	Date	Name	Class	Sub-class	Filing Date If Appropriate
	A1	US 3,987,035	1976	Rinehart, Jr., <i>et al.</i>	260	239.3P	
	A2	US 4,261,989	1981	Sasaki <i>et al.</i>	424	244	
	A3	US 4,421,687	1983	Hasegawa <i>et al.</i>	260	239.3B	
	A4	US 4,421,688	1983	Muroi <i>et al.</i>	260	239.3B	
	A5	US 4,540,517	1985	Tanida <i>et al.</i>	260	239.3B	
	A6	US 5,387,584	1995	Schnur	514	183	
	A7	US 5,510,118	1996	Bosch <i>et al.</i>	424	489	
	A8	US 5,534,270	1996	De Castro	424	490	

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Cite No. <sup>1</sup>	Document Number	Date	Country	Class	Sub-class	Translation Enclosed?
	B1	WO 93/14215 A1	1993	PCT			n/a
	B2	WO 94/08578 A2	1994	PCT			n/a
	B3	WO 95/01342 A1	1995	PCT			n/a
	B4	WO 00/03737 A2	2000	PCT			n/a
	B5	WO 02/079167 A1	2002	PCT			n/a

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initial	Cite No. <sup>1</sup>	Details of Document	Translation enclosed?
	C1	Sasaki <i>et al.</i> , <i>J. Antibiotics</i> <b>32</b> (8), 849-851 (1979), "Growth Inhibition of Virus Transformed Cells in Vitro and Antitumor Activity in Vivo of Geldanamycin and its Derivatives"	n/a
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	C3	Omura <i>et al.</i> , <i>J. Antibiotics</i> <b>37</b> (10), 1264-1267 (1984), "Chemical Modification and Antitumor Activity of Herbimycin A, 8,9-Epoxy, 7,9-Cyclic Carbamate, and 17- or 19-Amino Derivatives"	n/a

Examiner

Date considered

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<sup>1</sup> Applicant's unique citation designation number (optional).

Form PTO-1449  <b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket No. (optional) 010094.05	Application Number: 10/826,445
	Applicant: Tian <i>et al.</i>	
	Filing Date: Apr. 16, 2004	Group Art Unit: (as yet unknown)

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	A9	US 5,662,883	1997	Bagchi <i>et al.</i>	424	9.4	
	A10	US 5,932,566	1999	Schnur <i>et al.</i>	514	183	
	A11	US 6,015,659	2000	Welch <i>et al.</i>	435	1.2	
	A12	US 6,682,758	2004	Tabibi <i>et al.</i>	424	450	12/22/1999
	A13	US 2003/0114450 A1	2003	Santi <i>et al.</i>	514	234.5	8/5/2002

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	B6	WO 02/36574 A1	2002	PCT			n/a
	B7	WO 03/013430 A2	2003	PCT			n/a
	B8	WO 03/066005 A2	2003	PCT			n/a
	B9	JP 63-218620	1988	Japan			no
	B10	JP 04-046120	1990	Japan			no

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Examiner Initial	Cite No. <sup>1</sup>	Details of Document	Translation enclosed?
	C4	Shibata <i>et al.</i> , <i>J. Antibiotics</i> <b>39</b> (11), 1630-1633 (1986), "The Structure and Cytocidal Activity of Herbimycin C"	n/a
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	C9	Carreras <i>et al.</i> , <i>Anal. Biochem.</i> , <b>317</b> (1), 40-46 (June 2003), "Filter Binding Assay for the Geldanamycin-Heat Shock Protein 90 Interaction"	n/a
	C10	Chemical Abstracts 110:231340 (abstract of JP 63-218620)	n/a
	C11	Chemical Abstracts 117:63002 (abstract of JP 04-046120)	n/a

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	Filing Date: Apr. 16, 2004	Group Art Unit: (as yet unknown)

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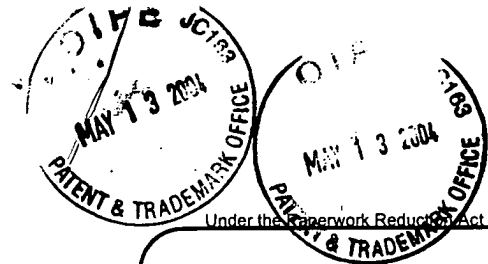
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/826,445
	Filing Date	April 16, 2004
	First Named Inventor	TIAN
	Art Unit	as yet unknown
	Examiner Name	as yet unknown
Total Number of Pages in This Submission	Attorney Docket Number	010094.05

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. References as listed on Form PTO 1449
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Yuan Chao, Reg. 32,118	
Signature		
Date	May 11, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Nancy Impey		
Signature		Date	May 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop: \_\_\_\_\_ Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.